

A Resolution

NO. 3162-02-2005

AUTHORIZING THE CITY OF FORT WORTH TO INTERVENE IN GAS UTILITY DOCKET NO. 9530 BEFORE THE RAILROAD COMMISSION OF TEXAS

- WHEREAS,** on December 3, 1996, pursuant to M&C G-11692, the City Council authorized the City to intervene a rate case filed with the Railroad Commission of Texas (the "**Railroad Commission**") by Lone Star Gas Company, which rate case was docketed by the Railroad Commission as Gas Utility Docket No. 8664; and
- WHEREAS,** as part of that proceeding, the Railroad Commission order Lone Star Gas Company to file a prudence review with the Railroad Commission every three (3) years to demonstrate that Lone Star Gas Company's gas costs are reasonable and necessary; and
- WHEREAS,** consistent with the Railroad Commission's order in that proceeding, on September 24, 2004 Atmos Energy Corporation ("**Atmos**"), the successor to Lone Star Gas Company, filed a gas cost prudence review with the Railroad Commission alleging that its gas costs are reasonable and necessary, which filing was docketed by the Railroad Commission as Gas Utility Docket No. 9530 (the "**Proceeding**"); and
- WHEREAS,** because the Proceeding relates to Atmos's rates and services in the City and constitutes part of a ratemaking proceeding, the City has standing to intervene in this Proceeding pursuant to Section 103.023 of the Texas Utilities Code; and
- WHEREAS,** Section 103.022 of the Texas Utilities Code allows the City to retain professional services to assist the City in cases before the Railroad Commission such as this Proceeding; and
- WHEREAS,** it is in the public interest for the City to intervene in this Proceeding;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH:

1. That the City, either on its own or through a consortium of other affected municipalities in which the City is a member ("**Consortium**"), is hereby authorized to intervene in the Proceeding and to retain legal and other professional services to assist the City in this Proceeding.
2. That the Consortium is hereby authorized to take all reasonable steps before the Railroad Commission or the courts in order to represent the City's interests in this Proceeding.



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3. That in accordance with Section 103.022(b) of the Texas Utilities Code, Company is hereby directed to reimburse the City for all reasonable costs and expenses of any rate consultants, accountants, auditors, attorneys and engineers retained by the City and/or the Consortium and incurred in the course of the City's and/or the Consortium's participation in this Proceeding.

4. That the City Secretary is hereby directed to deliver a certified copy of this Resolution to the following: (i) on behalf of Atmos, Richard Reis, Atmos Energy Corp., Mid-Tex Division, 300 S. St. Paul St., 8th Floor, Dallas, TX 75201, and Douglas C. Walther, Atmos Energy Corporation, 5340 LBJ Freeway, Suite 1800, Dallas, TX 75240-2601, and (ii) on behalf of the Consortium, Mr. Jay B. Doegey, City Attorney, City of Arlington, Post Office Box 231, Arlington, Texas 76004-0231.

AND IT IS SO RESOLVED.

Adopted this 1st day of February, 2005.

ATTEST:

By: Marty Hendrix
Marty Hendrix
City Secretary

APPROVED
CITY COUNCIL

FEB 01 2005

Marty Hendrix
City Secretary of the
City of Fort Worth, Texas



CITY OF FORT WORTH